

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re: :  
: Case No. 10-63411  
CHRISTINE STORMER, :  
: Chapter 7  
: Debtor. : Judge Caldwell  
:

**MOTION BY THE UNITED STATES TRUSTEE REQUESTING THAT  
DIANA KHOURI BE ORDERED TO APPEAR AND SHOW CAUSE  
WHY SHE SHOULD NOT BE HELD IN CONTEMPT FOR HER FAILURE  
TO COMPLY WITH THE TERMS OF THE COURT'S PRIOR ORDER**

Now comes the United States Trustee ("UST"), by and through counsel, and moves the Court for an Order pursuant to the provisions of 11 U.S.C. § 105 requiring Diana Khouri to appear before the Court and show cause why she should not be held in contempt for her failure to comply with the terms of the Order entered by this Court on May 3, 2011 (Docket No. 30), wherein Diana Khouri was ordered to disgorge attorney fees and submit evidence of the disgorgement. As of the date of filing this motion, Diana Khouri has failed to comply with the Court's Order. The UST further requests that the Court impose appropriate sanctions upon Diana Khouri if she is found to be in contempt of the prior Order of this Court, including revoking Diana Khouri's electronic ECF filing privilege. A memorandum in support is attached hereto and incorporated herein.

Dated: May 19, 2011

DANIEL M. MCDERMOTT  
UNITED STATES TRUSTEE FOR REGION 9

By: /s/ Daniel Craine  
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## **MEMORANDUM IN SUPPORT**

The Debtor, Christine Stormer, filed her voluntary bankruptcy petition on November 12, 2010 (Docket No. 1). The Petition was filed electronically by attorney Diana Khouri. The Court, based on the failure to file required documents, dismissed this case on December 29, 2010 (Docket No. 23). The UST filed a Motion pursuant to 11 U.S.C. § 329(b) requesting that this Court review the attorney fees received by Debtor's counsel, order such fees returned to the Debtor and further cancel the fee agreement between the Debtor and her counsel (Docket No. 27). No timely opposition to the Motion was filed; therefore, the Court granted the UST's Motion on May 3, 2011 (Docket No. 30). The Order provided that Diana Khouri shall disgorge attorney fees in the amount of \$899.00 paid by or on behalf of the Debtor within ten days of the Entry of this Order. It was further ordered that Diana Khouri, shall submit evidence of the disgorgement to the Office of the United States Trustee within fourteen days of the Entry of this Order. As of the date of filing this motion, Diana Khouri failed to comply with the Court's Order.

The Court's deadline has expired. To the best of the UST's knowledge, Diana Khouri failed to comply with the terms of the Court's Order by disgorging fees in the amount of \$899 to the Debtor and providing proof of the disgorgement.<sup>1</sup> This Court has the statutory authority to employ its civil contempt powers to effectuate compliance with the orders it issues.<sup>2</sup> The violation of the Court's order is clear, and there is no evidence before the Court that Diana Khouri was unable to comply with the Court's directive. Under these circumstances, Diana Khouri should be required to appear before this Court and explain her

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<sup>1</sup> Before filing this motion to show cause, the Columbus office of the U.S. Trustee had limited contact with Diana Khouri, but she failed to address the concerns of the U.S. Trustee. The U.S. Trustee recently filed disgorgement actions in the following Diana Khouri's cases filed in the Southern District of Ohio: *In re Friend* 10-64471; *In re Clark*, 11-30226; *In re Phillips*, 11-30150; *In re Parkinson*, 11-50796 and *In re Emmons*, 11-30201, all of which have similar orders entered in them. Additionally, it is believed that Diana Khouri is in contact with the Cleveland and Cincinnati offices of the U.S. Trustee regarding similar matters.

<sup>2</sup> *In re Walker*, 257 B.R. 493 (Bankr. N.D. Ohio 2001).

failure to comply with the Court's May 3, 2011, Order. Unless Diana Khouri's explanation is satisfactory, she should be held in contempt for failure to comply with the Court's Order, and the Court should impose sanctions upon her for contempt, including revoking her electronic ECF filing privilege.

WHEREFORE, the UST requests that the Court enter an Order granting the UST's Motion and scheduling a show cause hearing at the convenience of this Court.

Dated: May 19, 2011

DANIEL M. MCDERMOTT  
UNITED STATES TRUSTEE FOR REGION 9

By: /s/ Daniel Craine  
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CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2011, a copy of the foregoing MOTION BY THE UNITED STATES TRUSTEE REQUESTING THAT DIANA KHOURI BE ORDERED TO APPEAR AND SHOW CAUSE WHY SHE SHOULD NOT BE HELD IN CONTEMPT FOR HER FAILURE TO COMPLY WITH THE TERMS OF THE COURT'S PRIOR ORDER was served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court:

Asst US Trustee (Col)	ustpreregion09.cb.ecf@usdoj.gov
Daniel Craine	Daniel.Craine@usdoj.gov
Diana Khouri	Dianakhouriohio@gmail.com
Susan L. Rhiel	pleadings@susanattorneys.com, oh57@ecfcbis.com;sr@trustesolutions.com
Gregory D. Wooldridge	fwecfnotices@ameritech.net

and on the following by ordinary U.S. Mail addressed to:

Christine Stormer  
196 No Name Road  
Piketon, Ohio 45661

Diana Khouri  
6300 Rockside Road, Suite 204  
Cleveland, Ohio 44131

/s/ Daniel Craine  
Daniel Craine